

**FILED**

**FOR PUBLICATION**

**DEC 11 2012**

**UNITED STATES COURT OF APPEALS**

**MOLLY C. DWYER, CLERK**  
**U.S. COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

**ANGELO DAHLIA,**

Plaintiff - Appellant,

v.

**OMAR RODRIGUEZ, individually and as a Lieutenant of the Burbank Police Department; EDGAR PENARANDA, individually and as a Sergeant of the Burbank Police Department; JOSE DURAN, individually and as a Sergeant of the Burbank Police Department; CHRIS CANALES, individually and as a Detective of the Burbank Police Department; CITY OF BURBANK, a municipal corporation; JOHN MURPHY, individually and as a Lieutenant of the Burbank Police Department,**

Defendants - Appellees,

and

**TIM STEHR, individually,**

Defendant.

No. 10-55978

D.C. No. 2:09-CV-08453-MMM-JEM

**ORDER**

**KOZINSKI**, Chief Judge:

Upon the vote of a majority of nonrecused active judges, it is ordered that this case be reheard en banc pursuant to Federal Rule of Appellate Procedure 35(a) and Circuit Rule 35–3. The three-judge panel opinion shall not be cited as precedent by or to any court of the Ninth Circuit.